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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,531	08/28/2003	Tobias Horngren	14069.2US01	9032

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EXAMINER
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BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/650,531

Applicant(s)

HORNGREN ET AL.

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/30/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 5 is objected to because of the following informalities: Claim 5 line 2 recites the limitation "the security member", where there are prior recitations to both a first and second security members. The examiner believes the aforementioned "the security member" is believed to be --second security member--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Number 2002/0003095 to Jaeb et al.

Jaeb et al. disclose a security device for retaining items having a first security member (12) and a second security member (14), which security members may be Joined to a closed position for retaining an item, a lock slide (18) displaceable to a locked position for maintaining the security device in the closed position, and latch means (72) for maintaining the locking mechanism in the locked position the latch means forming an integral part of the lock slide (figures 11 and 14), as in claim 1.

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Jaeb et al. also disclose the lock slide is displaceably mounted to the first security member, and wherein the latch means are devised to engage with cooperating means, arranged on the second security member (figures 6-8), in the locked position, as in claim 2, wherein the latch means has a spring blade (72) extending from a principal plane of the lock slide (figures 11 and 14), as in claim 3, where the spring blade is devised to engage with a stop member (figure 14) arranged on the second security member, in the locked position, as in claim 4, wherein the stop member is a shoulder portion of a recessed portion on the second security member (figure 14), as in claims 5 and 6, as well as the security device having a plurality of spring blades and a plurality of corresponding stop members, spaced apart along the lock slide (figure 18), as in claim 7.

Jaeb et al. further disclose the lock slide is made from a resilient magnetic material (paragraph 0039), as in claim 8, and the lock slide being displaceably mounted to the first security member (figures 6-8 and has a protruding tooth (64), the tooth engaging with a projecting tab (50) on the second security member in the locked position, as in claim 9, wherein the tooth is bent out portion of the lock slide (figures 4 and 5), protruding from a principal plane of the lock slide, as in claim 11, and a plurality of teeth and tabs are provided (figures 1, 4, and 5), spaced apart along the lock slide, as in claim 12, as well as the first security member has a first projecting tab (54), and the second security member has a second projecting tab (50) devised to pass adjacent to the first tab when assuming the closed position, wherein the lock slide has a protruding tooth (64) assuming a position between and at least partly overlapping the first and second tabs in the locked position (figures 6-8), as in claim 10.

Jaeb et al. additionally disclose the security members are devised to completely enclosed a retained item in the closed position (paragraph 0003), as in claims 13 and 14, where the security members are devised to be joined and locked to each other at respective first ends (figures 2 and 3), and are hinged together (16) at respective second ends opposite the first ends, as well as the security members are devised to be joined and locked to each other at respective first ends (figures 2 and 3), and devised to be hooked together (elements 46 are hooked to the hinge pin) at respective second ends opposite the first ends, as in claim 16, and where the security members are devised to be joined and locked to each other at respective first ends, and at respective second ends opposite the first ends (figures 2 and 3), as in claim 17.

Jaeb et al. also disclose the first security member is a base member and the second security member is a lid member, which base and lid members form a box-like structure in the closed position (figures 1-3), as in claim 18, wherein the base member has a front wall carrying the lock slide on an inner side thereof, and the lid member has a front wall positioned on an inner side of the lock slide in the locked position (figures 1 and 2), as in claim 19, as well as the lid member having a flange (38) projecting from the front wall thereof which flange in the closed position engages with the front wall of the base member and encloses the lock slide in the box-like structure (figure 3), as in claim 20, and where the lock slide is devised with a maneuver means (the end of the lock slide protruding from the side wall of the first security member, in figure 2) projecting through an aperture (the opening in the side wall) in a side portion of the first security member, as in claim 21, and further comprising an alarm tag (paragraph 0041), as in claim 22.

Jaeb et al. further discloses a security device for holding items, having a first security member (12) and a second security member (14), which security members may be joined to a closed position for retaining an item (figures 2 and 3), a lock slide (18) displaceable to a locked position for maintaining the security device in the closed position, and latch means (72) for maintaining the locking mechanism in the locked position, wherein the latch means are carried on the first security member (figure 10), and are devised to engage with cooperating means on the second security member (figures 6-8), as in claim 23.

Jaeb et al. additionally discloses the latch means comprising a spring blade (72) extending from a principal plane of the lock slide, as in claim 24, and where the spring blade is devised to engage with a stop member (figure 14) arranged on the second security member in the locked position, as in claim 26, as well as the latch means having a plurality of spring blades and a plurality of corresponding stop members, spaced apart along the lock slide (figure 18), as in claim 27, and the stop member is a shoulder portion of a recessed portion on the second security member, as in claims 28 and 29 and where the latch means are integral with the lock slide (figures 11 and 14), as in claim 25.

Jaeb also disclose the lock slide is made from a resilient magnetic material (paragraph 0039), as in claim 30, and the security device having an alarm tag (paragraph 0041), as in claim 31.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to locking media storage devices:

U.S. Patent Number 6,676,175 to Jaeb et al., U.S. Patent Number 6,666,330 to Sedon et al., U.S. Patent Number 6,430,976 to Mitsuyama, U.S. Patent Number 6,240,750 to Gillespie et al., U.S. Patent Number 6,125,668 to Beldon, Jr., U.S. Patent Number 6,082,156 to Bin, U.S. Patent Number 5,934,114 to Weisburn et al., U.S. Patent Number 5,657,893 to Hitchings, U.S. Patent Number 5,588,315 to Holmgren, U.S. Patent Number 5,390,515 to Essick.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7087. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB CB  
March 10, 2005



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